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In re Application of
Tolles, et al.
Application No. 09/507,172
Filed: February 18, 2000
Attorney Docket No. 3600.0881-D5

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed on January 22, 2002
(Certificate of Mailing dated December 11, 2001), pursuant to 37
CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to
timely file a response to the non-final Office action, mailed
May 22, 2001, which set a shortened statutory period for reply
of one (1) month. No extensions of time for reply under the
provisions of 37 CFR 1.136(a) were obtained. No response having
been received, the above-identified application became abandoned
on June 23, 2001. The instant petition precedes the mailing of a
Notice of Abandonment.

The petitioner has met the requirements to revive the above-
identified application, pursuant to 37 CFR 1.137(b). Petitioner
submitted the required reply in the form of a Response to
Restriction Requirement, paid the petition fee, and made a
statement of unintentional delay. 37 CFR 1.137(b)(3) requires a
statement that the entire delay in filing the required reply from
the due date for the reply until the filing of a grantable
petition pursuant to 37 CFR 1.137(b) was unintentional. The
statement contained in the instant petition varies from the
language required by 37 CFR 1.137(b)(3). The statement contained
in the instant petition is being construed as the statement
required by 37 CFR 1.137(b)(3). Petitioner must notify the
Office if this is **not** a correct interpretation of the statement
contained in the instant petition.

The application file is being forwarded to Technology Center 3700
for consideration of petitioner's Response to Restriction
Requirement, filed January 22, 2002.

Telephone inquiries regarding this decision should be directed to
the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy